

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 6, 2009

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Davis, absent and formally excused by the Chair.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Erica Bailiff, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 5, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 6, 2009

The JUDICIARY AND RULES Committee reports that [S 1062](#), [S 1063](#), [S 1064](#), [S 1065](#), and [S 1066](#) have been correctly printed.

DARRINGTON, Chairman

[S 1062](#) was referred to the Judiciary and Rules Committee.

[S 1063](#), [S 1064](#), [S 1065](#), and [S 1066](#) were referred to the Health and Welfare Committee.

February 5, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 11](#) and [H 12](#) with the recommendation that they do pass.

HILL, Chairman

[H 11](#) and [H 12](#) were filed for second reading.

February 6, 2009

The STATE AFFAIRS Committee reports out [H 13](#) and [H 15](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 13](#) and [H 15](#) were filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 5, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Terry Gestrin of Donnelly, Idaho, was appointed as a member of the State Insurance Fund Board to serve a term commencing August 4, 2008, and expiring April 30, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

February 5, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Steve Landon of Chubbuck, Idaho, was appointed as a member of the State Insurance Fund Board to serve a term commencing April 30, 2008, and expiring April 30, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

February 5, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wendy Lively of Ammon, Idaho, was appointed as a member of the Bingo-Raffle Advisory Board to serve a term commencing January 7, 2009, and expiring January 7, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

February 5, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Janet Penfold of Driggs, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 1, 2009, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 5, 2009

Dear Mr. President:

I transmit herewith [H 20](#), [H 23](#), [H 35](#), [H 36](#), and [H 22](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 20](#), [H 23](#), [H 35](#), [H 36](#), and [H 22](#) were filed for first reading.

February 5, 2009

Dear Mr. President:

I return herewith Enrolled [SCR 101](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 101](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

February 6, 2009

Dear Mr. President:

I transmit herewith Enrolled [HCR 2](#), [HCR 3](#), [HCR 4](#), and [HCR 5](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 2](#), [HCR 3](#), [HCR 4](#), and [HCR 5](#) and ordered them returned to the House.

February 6, 2009

Dear Mr. President:

I return herewith Enrolled [S 1016](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1016](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1067

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE BOARD OF NURSING WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY.

S 1068
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OUTFITTERS AND GUIDES BOARD WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR 2009; AND DECLARING AN EMERGENCY.

S 1069
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY.

S 1070
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO BEEF CATTLE ANIMAL FEEDING OPERATIONS; AMENDING CHAPTER 49, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-4909A, IDAHO CODE, TO PROVIDE FOR THE EFFECT OF FEDERAL ENVIRONMENTAL PROTECTION AGENCY ENFORCEMENT ACTIONS ON ADMINISTRATIVE OR CIVIL ENFORCEMENT ACTIONS INITIATED BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND TO PROVIDE FOR THE EFFECT OF FEDERAL ENVIRONMENTAL PROTECTION AGENCY ENFORCEMENT ACTIONS ON CERTAIN ORDERS ISSUED BY THE DIRECTOR.

S 1071
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 22-103, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR SHALL ADMINISTER A RANGE PROGRAM AND TO PROVIDE FOR THE PURPOSE OF THE PROGRAM.

S 1072
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO MOTOR CARRIER INSPECTIONS; AMENDING SECTION 67-2901B, IDAHO CODE, TO PROVIDE THAT CERTAIN INTRASTATE MOTOR CARRIERS SHALL BE EXEMPT FROM DRIVER QUALIFICATION REGULATIONS AND HOURS OF SERVICE REGULATIONS AND TO REVISE EXEMPTIONS.

S 1073
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO COSMETICIANS; AMENDING SECTION 54-803, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-827, IDAHO CODE, TO REVISE A PROVISION RELATING TO A PERMIT TO PRACTICE, DEMONSTRATE OR TEACH COSMETOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

S 1074
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; REPEALING CHAPTER 34, TITLE 33, IDAHO CODE, RELATING TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-905, IDAHO CODE, TO PROVIDE FOR MONEYS TO GO TO ANY SCHOOL FOR THE DEAF AND THE BLIND OPERATED BY THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-1228, IDAHO CODE, TO INCLUDE EMPLOYEES OF THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND, TO PROVIDE A GOAL, TO PROVIDE FOR A BOARD OF DIRECTORS, TO PROVIDE FOR APPOINTMENT OF AN ADMINISTRATOR, TO PROVIDE FOR POWERS AND DUTIES OF THE BOARD OF DIRECTORS, TO PROVIDE FOR A GOVERNMENTAL ENTITY, TO PROVIDE FOR APPLICATION OF CERTAIN PROVISIONS OF IDAHO CODE, TO PROVIDE THAT THE BUREAU SHALL SECURE CERTAIN INSURANCE, TO PROHIBIT CERTAIN ACTS, TO ESTABLISH A TRUST FUND, TO PROVIDE FOR CONTINUOUS APPROPRIATIONS, TO PROVIDE FOR AN ANNUAL BUDGET MEETING, TO PROVIDE FOR SUBMISSION OF AN ANNUAL BUDGET, TO PROVIDE FOR THE PROMULGATION OF RULES, TO PROVIDE FOR CERTAIN REPORTS RELATING TO DEAF AND BLIND PUPILS, TO PROVIDE FOR THE ACQUISITION OF AND TITLE TO PROPERTY, TO PROVIDE FOR THE TRANSFER OF CERTAIN SICK LEAVE, TO PROHIBIT SECTARIAN TESTS AND TO PROVIDE FOR A GENERAL FUND CONTINGENCY RESERVE; AMENDING SECTION 33-4802, IDAHO CODE, TO DELETE REFERENCE TO THE IDAHO SCHOOL FOR THE DEAF AND BLIND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-4803, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-4806, IDAHO CODE, TO PROVIDE REFERENCE TO THE BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; AND AMENDING SECTION 67-7304, IDAHO CODE, TO PROVIDE REFERENCE TO THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND.

[S 1067](#), [S 1068](#), [S 1069](#), [S 1070](#), [S 1071](#), [S 1072](#), [S 1073](#), and [S 1074](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 20](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 23](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 35](#) and [H 36](#), by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 22](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1047](#) and [S 1048](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1042](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1002](#), by Schroeder, was read the second time at length and filed for third reading.

[H 3](#) and [H 4](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11 a.m., Monday, February 9, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary